

Election/Restrictions

1. Restriction to one of the following invention is required under 35 U.S.C. 121:
 - I. Claims 2 and 22, drawn to maintaining communication link by extending continue receiving time.
 - II. Claims 3, 19-20, 23 and 39-40, drawn to maintaining communication link by maintaining timing synchronization.
 - III. Claims 4 and 24, drawn to maintaining communication link by alerting user via user interface.
 - IV. Claims 5 and 25, drawn to maintaining communication link by altering transmission of a radio signal.
 - V. Claims 6 and 26, drawn to maintaining communication link by controlling antenna arrangement to enhance propagation path.
 - VI. Claims 7-9, 15, 17, 27-29, 34 and 37 drawn to determining whether communication link is blocked by a body.
 - VII. Claims 10 and 30, drawn to determining signal blocked based on detected signal strength.
 - VIII. Claims 11 and 31, drawn to determining signal blocked based on detected bit error rate.
 - VIII. Claims 12 and 32, drawn to determining signal blocked based on detected delay spread.
 - X. Claims 13 and 33, drawn to determining signal blocked based on time of flight.

XI. Claims 15 and 35, drawn to determining signal blocked based on deterioration time.

XII. Claims 16, 18, 36 and 38, drawn to determining signal blocked based on short-range signal deterioration.

2. Claims 1 and 21 are generic to the following disclosed patentably distinct species: I to XII. The species are independent or distinct because as disclosed the different species have mutually exclusive characteristics for each identified species. In addition, these species are not obvious variants of each other based on the current record.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

There is an examination and search burden for these patentably distinct species due to their mutually exclusive characteristics. The species require a different field of search (e.g., searching different classes/subclasses or electronic resources, or employing different search queries); and/or the prior art applicable to one species would not likely be applicable to another species; and/or the species are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected species, including any claims subsequently added. An argument that a claim is

allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

The election of the species may be made with or without traverse. To preserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the election of species requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected species.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the species unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other species.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141.

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ZHIYU LU whose telephone number is (571)272-2837. The examiner can normally be reached on Weekdays: 9AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duc Nguyen can be reached on (571) 272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Zhiyu Lu
Examiner
Art Unit 2618

October 22, 2009
/Zhiyu Lu/
Examiner, Art Unit 2618